

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**


| | | |
|--|---|---------------------------|
| RBCI HOLDINGS, INC. f/k/a RHEINGOLD BREWING COMPANY, INC. | : | |
| | : | |
| Plaintiff, | : | Civil Action No. |
| | : | 07-cv-02877 (DC) |
| -against- | : | |
| | : | <u>DECLARATION</u> |
| | : | |
| DRINKS AMERICAS HOLDINGS, LTD. | : | |
| | : | |
| Defendant. | : | |
| | : | |
| | X | |

SHELDON H. GOPSTEIN, pursuant to 28 U.S.C. 1746, declares as follows:

1. I am the attorney for DRINKS AMERICAS HOLDINGS, LTD (hereinafter referred to as "Drinks Americas") and I am fully familiar with the facts and circumstances heretofore had herein.
2. This declaration is respectfully submitted in support of Drinks Americas' motion to dismiss the amended complaint.
3. I also represent Drinks Americas in connection with an action filed in the New York State Supreme Court, Bronx County, titled *Manhattan Beer Distributors vs. RBCI Holdings, Inc. and Drinks Americas Holdings, Ltd*, Index No. 17776/06 (the "State Court Action").
4. Drinks Americas is a co-defendant in the State Court Action along with the plaintiff herein, RBCI Holdings, Inc. In the State Court Action, Manhattan Beer Distributors claims that it is the exclusive distributor of Rheingold beer and has stopped distributing Rheingold products due to the ongoing litigation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 12th day of October, 2007


Sheldon H. Gopstein